

## NINETEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 31, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journals of yesterday was dispensed with and the same adopted.

On motion of Senator Gooch, Senator Cooper was excused for ten days, on account of sickness.

Senator Johnson of Collin moved to excuse Senator Kleberg, on account of sickness.

Adopted.

Senator Shannon moved that Senator Houston be excused for to-morrow and next day.

Adopted.

On motion of Senator Patton, the Sergeant-at-Arms, Captain Kyle, was excused for to-day, on account of sickness in his family.

Senator Gibbs, chairman of Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 15, entitled "A joint resolution to amend section 9, article 8, of the Constitution of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass, with the accompanying amendment.

GIBBS, Chairman.

Committee amendment: Amend all after the enacting clause so as to read as follows:

Sec. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents on the one hundred dollars valuation, except for the construction and repair of public buildings, roads and bridges, not to exceed twenty-five cents on the one hundred dollars valuation for any one year, and except for the payment of debts incurred prior to the adoption of this amendment, not to exceed twenty-five cents on the one hundred dollars valuation for any one year.

Bill read first time.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 180, entitled "An act to amend article 748, chapter 11, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The object of the bill is to punish by confinement in the penitentiary, theft of any hog, sheep, or goat, regardless of its value. The law now is, that such theft shall not be punished by confinement in the penitentiary unless the property is of the value of twenty dollars. From time to time the law upon this subject has been changed, and the present law is believed to be the most satisfactory, humane and just, and therefore should not be changed.

GOOCH, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 22, the same being a petition of attorneys and citizens of Raines county, relating to the duties and fees of district and county attorneys, have carefully examined the same, and instruct me to report the same back with the recommendation that no action be taken upon the petition, as the committee do not deem it wise public

policy to diminish the perquisites of district attorneys by giving a portion of the same to county attorneys.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 191, entitled "An act to prevent hunting with fire arms on Sunday," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, but lie on the table.

The object of this bill is to prohibit, under appropriate penalties, hunting with fire arms on the premises of another, without his consent, on Sunday. This committee have reported a bill making such acts penal, whether committed on Sunday or any other day.

GOOCH, Chairman.

Bill read first time, with unfavorable report.

Senator Jones, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 118, entitled "An act to amend article 4431, chapter 5, of the Revised Civil Statutes," beg leave to report that they have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The object of the bill is to give commissioners' courts the power and authority to appropriate money for roads, and in no way increase the taxing power of said courts.

JONES, for Committee.

Bill read first time.

Senator Traylor, chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred the memorial of Mrs. M. A. C. Wilson, asking for an appropriation of \$510.93 to liquidate a public debt certificate No. 461, which certificate appears to have been lost, have carefully examined the same, and instruct me to report the same back with the recommendation that the petition of memorialist be not granted for the following reasons:

1. For the reason that the committee have no positive evidence that the public debt certificate No. 461 may not have been transferred by Wm. F. Wilson, to whom it was issued, to some other person during his lifetime, and now be an outstanding liability against the State.

2. Article 2747, of the Revised Statutes, authorizes the Comptroller of Public Accounts, when satisfied that any certificate or other evidence of indebtedness has been lost, to issue a duplicate in lieu of such original.

3. There being still unpaid many certificates of indebtedness similar to the one applied for, your committee are of the opinion if an appropriation be made for one it should be made for all, and believe if such appropriation be made, the Comptroller will issue this duplicate if satisfied of the loss of the original.

TRAYLOR, Chairman.

Senator Matlock, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 174, entitled "An act to amend article 684, chapter 2, title 17, of the Penal Code," passed February 21, 1879, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass. The object of the bill is to increase the punishment for breaking, pulling down and injuring fences, where the amount of injury done exceeds twenty dollars. The law makes the theft of property over the value of twenty dollars a felony. Your committee are of the opinion that where parties go and wilfully destroy a fence that the punishment should be placed on the same level with theft of property.

MATLOCK, for Committee.

Bill read first time.

Senator Patton, for Judiciary Committee No. 2, submitted the following report :

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 179, entitled "An act to amend article 733, of the Code of Criminal Procedure of the State of Texas," which bill prohibits a physician, a clergyman, minister or priest, from disclosing confidential communications made to them in the course of their practice, or the pursuit of their ministerial duties, and places the same legal protection around their communications now given to confidential communications between client and attorney, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

PATTON, for Committee.

Bill read first time.

Senator Fleming offered the following resolution:

*Be it resolved by the Senate,* That the Committee on Penitentiaries be and they are hereby instructed to inquire what other and further appropriation will be required to erect necessary buildings in order that all convict labor may be confined in the walls of the penitentiaries, and to report by bill or otherwise.

Senator Gibbs offered the following amendment: Amend by adding, "and if all the convict labor cannot be speedily confined in the walls of the penitentiary, then to ascertain the most humane and profitable manner of utilizing those convicts who cannot at present be so confined in the walls."

Amendment accepted and resolution adopted.

Senator Fleming introduced a bill entitled "An act to amend an act authorizing the payment of taxes of non-residents of counties to be made at the Comptroller's office, approved March 22, 1879."

Referred to Committee on Finance.

Senator Davis offered the following resolution:

*Resolved,* That Senator Randolph be added to the Committee on Penitentiaries.

Adopted.

House concurrent resolution, relating to land frauds, was taken up in regular order of business.

Senator Davis moved to refer it to Committee on Public Lands.

Senator Fleming seconded the motion.

Senator Pfeuffer moved to adopt the resolution.

The Senate adopted the motion to refer the bill by the following vote, the motion to refer having precedence:

YEAS—16.

Collins,	Getzendaner,	Martin,
Davis,	Gooch,	Matlock,
Evans,	Harris,	Patton,
Farrar,	Houston,	Randolph,
Fleming,	Jones,	Traylor.
Fowler,		

NAYS—10.

Buchanan,	King,	Pfeuffer,
Chesley,	Peacock,	Stratton,
Gibbs,	Perry,	Terrell.
Johnson of Collin,		

Senator Chesley moved to suspend the regular order of business to take up House bill 157, "An act to withdraw from sale all the school, university and asylum lands heretofore authorized to be sold by any law of the State."

Adopted, and bill taken up and read first time.

Senator Harris moved to suspend the rules to put the bill on its second reading.

Senator Davis moved the previous question.

Motion seconded and main question ordered.

The Senate refused to suspend rules by the following vote, it requiring four-fifths majority to suspend rules:

YEAS—16.

Chesley,	Fowler,	Harris,
Evans,	Getzendaner,	Johnson of Collin,
Farrar,	Gibbs,	Jones,

Martin,  
Patton,  
Peacock,

Pfeuffer,  
Randolph,  
Stratton.

Terrell.

NAYS—11.

Buchanan,  
Collins,  
Davis,  
Fleming,

Gooch,  
Houston,  
King,  
Matlock,

Perry,  
Shannon,  
Traylor.

Senator Stratton moved to make the bill the special order for to-morrow morning after the morning call.

Senator Houston moved to amend by substituting Saturday for to-morrow.

Withdrawn.

The President ruled that before such motion could be entertained the rules must be suspended to bring the bill before the Senate.

Senator Stratton moved to suspend the rules to take up the bill.

The Senate refused to suspend the rules by the following vote:

YEAS—16.

Chesley,  
Evans,  
Farrar,  
Fowler,  
Getzendaner,  
Gibbs,

Harris,  
Johnson of Collin,  
Martin,  
Patton,  
Peacock,

Perry,  
Pfeuffer,  
Randolph,  
Stratton,  
Terrell.

NAYS—11.

Buchanan,  
Collins,  
Davis,  
Fleming,

Gooch,  
Houston,  
Jones,  
King,

Matlock,  
Shannon,  
Traylor.

A message was received from the House announcing the passage of House joint resolution No. 32, "making an appropriation of \$4500 to be used in repairing and furnishing the Governor's Mansion."

Referred to Finance Committee.

The following dispatch was read by the Secretary:

WASHINGTON, D. C., January 31, 1883.

Hon. Wm. Neal Ramey, Secretary of the Senate.

Have attended to the matter relating to additional service in Austin postoffice. It will be provided at once.

RICHARD COKE,  
S. B. MAXEY.

Senator Terrell introduced a joint resolution amending section 1, of article 6, of the Constitution of Texas, so as to prohibit those who fail to pay a poll for the benefit of the public free schools, from voting at any election.

Referred to Committee on Constitutional Amendments.

The President referred House concurrent resolution No. 1, requesting the Senators and Representatives of the State of Texas, at Washington, to urge the establishment of a quarantine station by the national government at St. Louis island similar to that at Ship Island.

Referred to Committee on Public Health.

On motion of Senator Pfeuffer, the House concurrent resolution authorizing the appointment of special committee to visit penitentiaries, was taken up out of its regular order and adopted.

House bill No. 9, "An act to amend section 11 of 'an act to protect the wool growing interest of the State of Texas,'" was taken up and read second time.

Senator Shannon moved to strike out Tarrant county from the list of exempted counties.

Adopted.

Senator Traylor offered the following amendments:

Amend by striking out the caption of the bill and insert the following: "An act amendatory of an act to amend section 11 of an act entitled an act to protect the wool-growing interests of the State of Texas, approved March 25, 1879, and of an act amendatory thereof, approved

March 9, 1881." Also strike out Hood and Somervell counties.

Adopted.

Senator Fleming moved to amend by striking out "Eastland county."

Adopted.

Senator Buchanan moved to amend by adding "Upshur county" to the list of exemptions.

Adopted, and bill passed to third reading.

On motion of Senator Pfeuffer, the vote adopting the House concurrent resolution appointing a committee to visit the State schools, and which was adopted this morning, was reconsidered.

Senator Pfeuffer offered the following amendment: Add at the end of the resolution "that the expenses of said committee be paid out of the contingent fund of the Eighteenth Legislature."

Senator Terrell offered the following amendment: "That the said committee shall consist of one from the Senate and two members from the House, and that they enter upon that duty when the Committees on Penitentiaries, now absent, shall have returned."

Accepted by Senator Pfeuffer and, as amended, adopted.

Senator Chesley offered the following amendment: Amend by adding, "and that said committee be instructed to inquire into the operations of the military features of Bryan College," which, after some discussion and explanation, was withdrawn by Senator Chesley, and the House concurrent resolution, as amended, was adopted.

Senator Gibbs, by consent, offered a joint resolution, amending section 3, of the Constitution, abolishing the secret sessions of the Senate.

Referred to the Committee on Constitutional Amendments.

House bill No. 8, entitled "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde and Red River, and to repeal all laws in conflict therewith," was taken up and read second time.

Senator Collins, by request of the Representative from Starr county, offered the following amendments: Amend the caption by inserting after the words "Red River," "and Starr."

Amend line 11, of printed bill by adding after the word "Parker," "and Starr."

Amend line 1, printed bill, page 2, by inserting after the words "Red River," the words "and Starr."

Amend line 6, page 2, by inserting after the words "Red River," "and Starr."

Amend by striking out the word "and" wherever it occurs in the bill between Parker and Red River.

Amend line 2, page 1, printed bill, by inserting after the word "Parker," "and Starr."

Adopted.

Senator Gooch offered the following amendment: Amend the caption and the bill so as to restore criminal jurisdiction to the county court of Henderson county.

Adopted, and bill passed to the third reading.

House bill No. 14, entitled "An act to amend article 1265 of chapter 8, title 29, of the Revised Civil Statutes, relating to verified answers in civil cases," was taken up and read second time.

Senator Peacock moved that Senate bill No. 105, entitled "An act to amend article 1265, sub-division 7, of the Revised Civil Statutes, be substituted for the pending House bill."

Withdrawn, and House bill passed to third reading.

Senator Stratton, by leave, presented a memorial of the citizens of Matagorda county, asking improvements, etc.,

on the lower Colorado river, and an appropriation therefor to prevent overflow.

Referred to Committee on Internal Improvements.

On motion of Senator Stratton, the Senate adjourned until 10 o'clock a. m. to-morrow.

## TWENTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, February 1, 1883. }

Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton the reading of the journal of yesterday was dispensed with and same adopted.

Senator Davis, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 146, entitled "An act to provide for the payment to the university fund of the bonds amounting to \$134,472.25, executed by the State of Texas, January 1, 1867, in favor of said university fund, under an act of the Eleventh Legislature, approved the twelfth day of November, 1866, entitled 'an act for the purpose of carrying into effect an ordinance of the late convention, securing the common school and university fund, and for other purposes,' and the interest on said bonds," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, for the reason that the object sought to be accomplished by this bill will be fully obtained by Senate bill No. 14, heretofore reported favorably by this committee.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 13, entitled "An act concerning public lands heretofore surveyed by railroads or corporations, or any company or person, for the benefit of public free schools of this State," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 169, entitled "An act to authorize the Comptroller of Public Accounts to audit all unsettled claims for pay due teachers of public free schools prior to the first day of July, 1873, together with interest thereon, as provided by an act approved April 21, 1874, and an act approved July 6, 1876, and provide for the payment of the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

DAVIS, Chairman.

Bill read first time.

Senator Farrar, chairman of Committee on State Asylums, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Asylums, to whom was referred Senate bill No. 193, appropriating seventy-five thousand dollars for the improvement and repair of the Lunatic Asylum, and the enlargement of the asylum grounds, have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it do pass.

FARRAR, Chairman.

Bill read first time.